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December 7, 2007

Honorable Joseph C. Spero  
United States Magistrate Judge  
United States District Court  
450 Golden Gate Avenue, Ctrm E, 15<sup>th</sup> Floor  
San Francisco, CA 94102  
VIA ECF

**Re: *Burdett v. CCSF*, et al., No. C-06-720-JCS**  
**Plaintiff's Voluntary Dismissal of Several Claims**

Dear Judge Spero:

Plaintiff responds to the Court's request for a letter explaining his dismissal of certain claims, as follows:

Plaintiff hereby voluntarily dismisses several claims against several defendants, as also reflected in the revised special verdict forms, which the parties have e-filed and email to Ms. Hom. For the Court's convenience, the parties are also working to e-file and email to the Court/Ms. Hom a revised set of Stipulated and Disputed Jury Instructions to reflect these dismissals and other small changes agreed upon.

As to Defendants Smalley, Shea, Cesari, Reynoso: Plaintiff will dismiss his California Assault and Battery and Negligence claims these defendants, but preserve his federal Excessive Force claims and his California Civil Rights (Bane Act) claims against these defendants. Plaintiff will also preserve his Fourth Amendment claim against Defendants Reynoso, Shea, and Cesari with respect to the unlawful seizure of his camera.

As to Defendant Delfin: Plaintiff will dismiss his Excessive Force claim against Defendant Delfin, but preserve his Negligence and California Civil Rights (Bane Act) claim against Mr. Delfin.

Sincerely,

Ben Rosenfeld, Attorney

Dated: Dec. 10, 2007

